CALIFORNIA DEPARTMENT OF JUSTICE

ASSET FORFEITURE

ANNUAL REPORT 2005 ANNUAL REPORT

BILL LOCKYER, ATTORNEY GENERAL

Prepared by
Divison of Law Enforcement - Bureau of Narcotic Enforcement

March 1, 2006

It is my pleasure to publish this annual comprehensive statistical report on asset forfeiture proceedings conducted pursuant to California state law (California Health and Safety Code Sections 11469, et seq.).

This is the 11th annual asset forfeiture report, providing information on all forfeitures initiated throughout the state during calendar year 2005. This report contains details on the recipients and value of all forfeited assets from forfeitures completed and disbursed in 2005 (including those initiated in 2005 and those pending from 1995 through 2004).

The goal of asset forfeiture is to strip drug traffickers of the profits they derive from illegal drug trade. Illegal drug trafficking diverts money from lawful commerce. While drug seizures and arrests present a temporary setback for drug traffickers, asset forfeiture takes away their profits and diminishes their ability to continue the illegal enterprise.

Education and drug abuse prevention programs are funded with asset forfeiture proceeds. Law enforcement agencies are permitted by law to use the proceeds of forfeiture to purchase safe, more effective equipment they otherwise could not afford. Thus, law enforcement is able to convert criminal profits into supplemental funding which, in turn, is used to fight illegal drug trade.

Legally and fairly administered, asset forfeiture laws are a powerful tool for enforcing California's drug laws and preventing violent crime. Depriving drug traffickers of their profits and ability to continue their criminal enterprises makes California a safer and healthier state.

BILL LOCKYER
Attorney General

Health and Safety Code 11495

11495. (a) The funds received by the law enforcement agencies under Section 11489 shall be deposited into an account maintained by the Controller, county auditor, or city treasurer. These funds shall be distributed to the law enforcement agencies at their request. The Controller, auditor, or treasurer shall maintain a record of these disbursements which records shall be open to public inspection, subject to the privileges contained in Sections 1040, 1041, and 1042 of the Evidence Code.

(b) Upon request of the governing body of the jurisdiction in which the distributions are made, the Controller, auditor, or treasurer shall conduct an audit of these funds and their use. In the case of the state, the governing body shall be the Legislature.

(c) Each year, the Attorney General shall publish a report which sets forth the following information for the state, each county, each city, and each city and county:

(1) The number of forfeiture actions initiated.

(2) The number of cases and the administrative number or court docket number of each case for which forfeiture was ordered or declared.

(3) The value of the assets forfeited.

(4) The recipients of the forfeited assets, the amounts received, and the date of the disbursement.

(d) The Attorney General shall develop administrative guidelines for the collection and publication of the information required in subdivision (c).

(e) The Attorney General's report shall cover the calendar year and shall be made no later than March 1 of each year beginning with the year after the enactment of this law.

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•Forfeitures Completed (continued)

Introduction

California Health and Safety Code Section 11495, which became effective August 19, 1994, as part of the state's current asset forfeiture statutes, requires the Attorney General to publish an annual report that provides the following information for the state and each county:

- The number of forfeiture actions initiated during the year covered by the report.
- The number of cases, and the administrative number or court docket number of each case, for which forfeiture was ordered or declared during the report year.
- The value of the assets forfeited during the report year.
- The recipients of the forfeited assets, the amounts received and the disbursements dates.

The information covers only state seizures and forfeitures conducted pursuant to California law. Federal seizures and forfeitures in which California law enforcement agencies participated/shared are not reported in this document.

This 11th annual report covers the 2005 calendar year. Subsequent reports will be published by March 1 of each year.

Methodology

To comply with the requirements of Health and Safety Code Section 11495, the Department of Justice (DOJ) on December 22, 1994, distributed a Division of Law Enforcement Information Bulletin to all California district attorneys. This bulletin requested that the district attorneys, as the officials conducting state forfeiture proceedings, document the information required for each forfeiture action effective January 1, 1995, and for every year thereafter.

DOJ created a self-contained computer program for the district attorneys' use in collecting/reporting the required statistical information. In 1995, a computer disk containing this program and a User's Guide were sent to each district attorney's office in California. In 1996, and again in 1997, DOJ developed enhanced versions of the computer program for easier and more efficient entry/modification of data for the annual report. Most district attorneys provided data to DOJ for this report via this computer program.

This report provides county and statewide information required by Health and Safety Code Section 11495 on all forfeitures **initiated** during calendar year **2005**. For each forfeiture **initiated** during **1995 through 2005** that was **completed** during calendar year **2005**, detailed information is provided as to the number of cases, case numbers, asset values and recipients of the forfeited assets -- again by county and statewide.

Pursuant to Health and Safety Code Section 11489, state asset forfeiture proceeds are to be distributed as follows:

- One percent to a private, nonprofit organization composed of local prosecutors for the exclusive purpose of providing a statewide program of education and training for prosecutors and law enforcement in the ethics and proper use of state asset seizure and forfeiture laws.

- Ten percent to the prosecutorial agency that processes the forfeiture action.

- Twenty-four percent to the State General Fund.

- Sixty-five percent to the state and/or local law enforcement agencies that participated in the seizure, distributed in a manner that reflects the proportionate contribution of each agency.

(Fifteen percent of any funds distributed to local law enforcement agencies must be deposited in a special fund maintained by the county, city, or city and county of any agency making the seizure or seeking an order for forfeiture and shall be used for the sole purpose of funding programs designed to combat drug abuse and divert gang activity.)

In setting forth the recipients of assets forfeited in 2005, this report lists for most counties the full 65 percent share going to local law enforcement agencies. It does not provide detail as to those agencies' disposition of 15 percent of their share to a county and/or city special fund because the information was not provided, nor is it required for this report. Some agencies did voluntarily provide this information for their cases, and for those counties the amount of the 15 percent share is listed in Table 3 as going to "15% -11489" or to a county special fund.

In some cases where the report lists only one law enforcement recipient, that agency may in fact have done a further distribution of the amount listed to other law enforcement agencies that participated in the case. This further distribution information was not available in some cases because of the type of distribution system used by some district attorneys' offices.

Highlights

The information provided in this report represents 100 percent reporting by California's 58 district attorneys.

◆ A total of 4,324 forfeiture proceedings were initiated in 2005 involving assets with a total estimated value of $33,664,732. Some of these proceedings remain pending. (The disposition of any pending proceedings will be provided in the annual report covering the year they are completed and fully disbursed.)

◆ A total of 3,685 forfeiture cases were completed during 2005 (includes cases initiated from 1995 through 2005). The total value of the disbursed assets is $19,886,810.

◆ Five counties initiated no forfeitures during 2005.

Asset Forfeiture

Statistical Data

Forfeitures Initiated

◆ **Table 1** provides information on asset forfeiture actions initiated pursuant to California law during 2005.

◆ For purposes of this report, seizure of assets constitutes the initiation of a forfeiture action.

◆ Some cases listed involved forfeiture actions that are still pending. In other cases, forfeiture was ordered or declared and assets were distributed during 2005. (Details on the latter are provided in the “Forfeitures Completed” section.)

◆ The following counties have no information listed in Table 1 because they did not initiate any forfeiture actions during 2005:

Alpine	Amador	
Mariposa	Modoc	Sierra

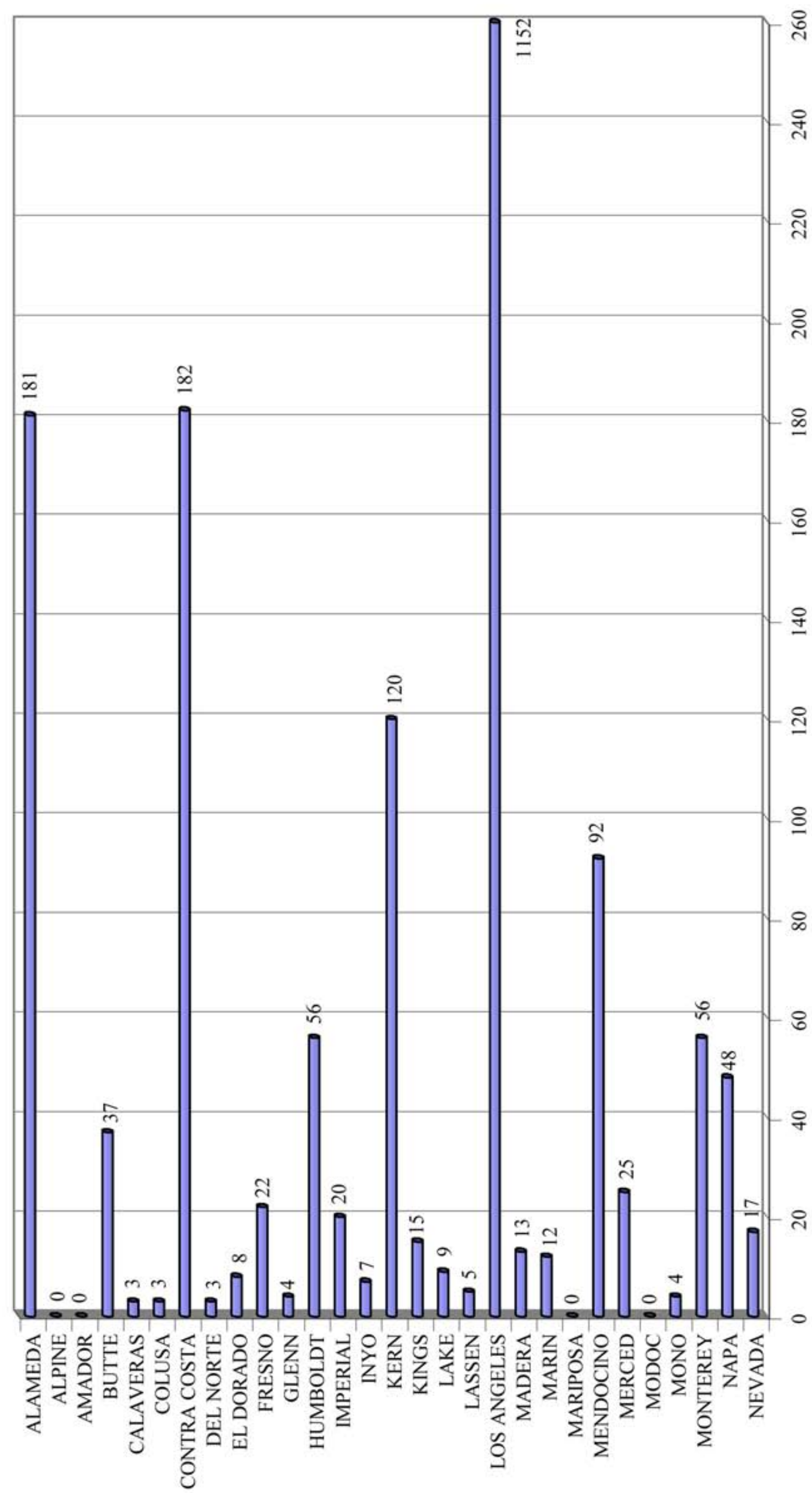
Table 1

County	Total Cases Initiated	Estimated Value of Assets Seized
ALAMEDA	181	$981,647.91
ALPINE	0	$0.00
AMADOR	0	$0.00
BUTTE	37	$77,559.06
CALAVERAS	3	$4,003.00
COLUSA	3	$16,668.00
CONTRA COSTA	182	$665,970.83
DEL NORTE	3	$5,337.00
EL DORADO	8	$15,426.00
FRESNO	22	$279,871.80
GLENN	4	$31,056.00
HUMBOLDT	56	$213,011.38
IMPERIAL	20	$101,911.00
INYO	7	$18,533.00
KERN	120	$938,066.27
KINGS	15	$45,965.14
LAKE	9	$21,545.00
LASSEN	5	$12,043.00
LOS ANGELES	1152	$10,949,708.07
MADERA	13	$58,498.33
MARIN	12	$62,838.07
MARIPOSA	0	$0.00
MENDOCINO	92	$813,703.50
MERCED	25	$1,010,363.40
MODOC	0	$0.00
MONO	4	$903,427.01
MONTEREY	56	$120,959.13
NAPA	48	$188,585.57
NEVADA	17	$52,456.00
ORANGE	335	$2,587,448.59
PLACER	33	$106,133.17
PLUMAS	13	$9,076.52
RIVERSIDE	147	$969,932.79
SACRAMENTO	338	$1,667,756.72
SAN BENITO	1	$5,880.00
SAN BERNARDINO	203	$4,493,728.77
SAN DIEGO	9	$75,622.00
SAN FRANCISCO	287	$980,994.33
SAN JOAQUIN	92	$317,189.80

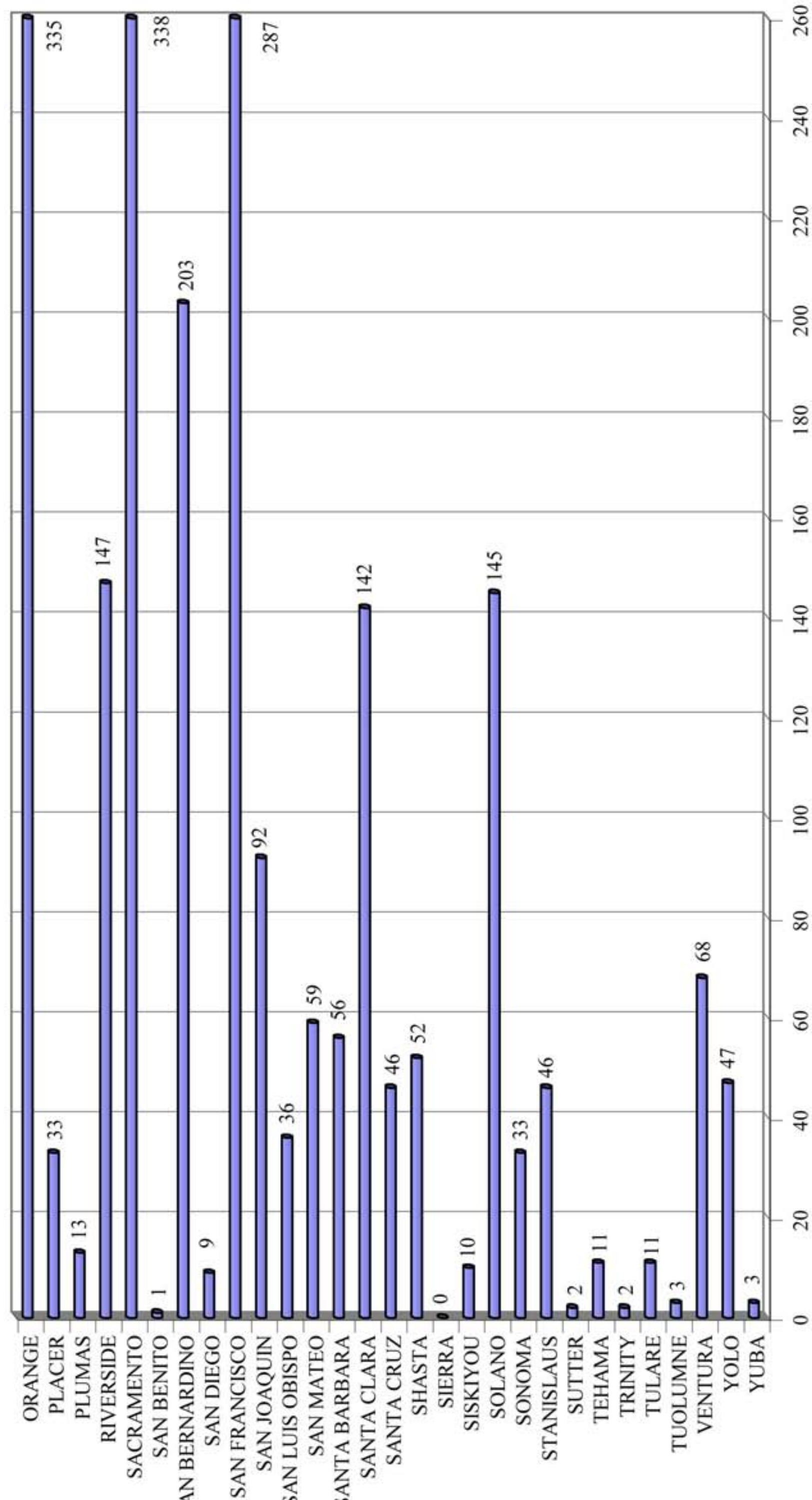
Table 1

County	Total Cases Initiated	Estimated Value of Assets Seized
SAN LUIS OBISPO	36	$152,393.59
SAN MATEO	59	$280,213.79
SANTA BARBARA	56	$331,756.83
SANTA CLARA	142	$946,097.84
SANTA CRUZ	46	$140,246.19
SHASTA	52	$192,231.23
SIERRA	0	$0.00
SISKIYOU	10	$107,685.00
SOLANO	145	$617,320.42
SONOMA	33	$282,404.47
STANISLAUS	46	$272,291.78
SUTTER	2	$3,658.00
TEHAMA	11	$78,174.88
TRINITY	2	$9,846.00
TULARE	11	$58,622.00
TUOLUMNE	3	$7,834.12
VENTURA	68	$1,220,294.63
YOLO	47	$150,140.84
YUBA	3	$10,603.74
Total:	4,324	$33,664,731.51

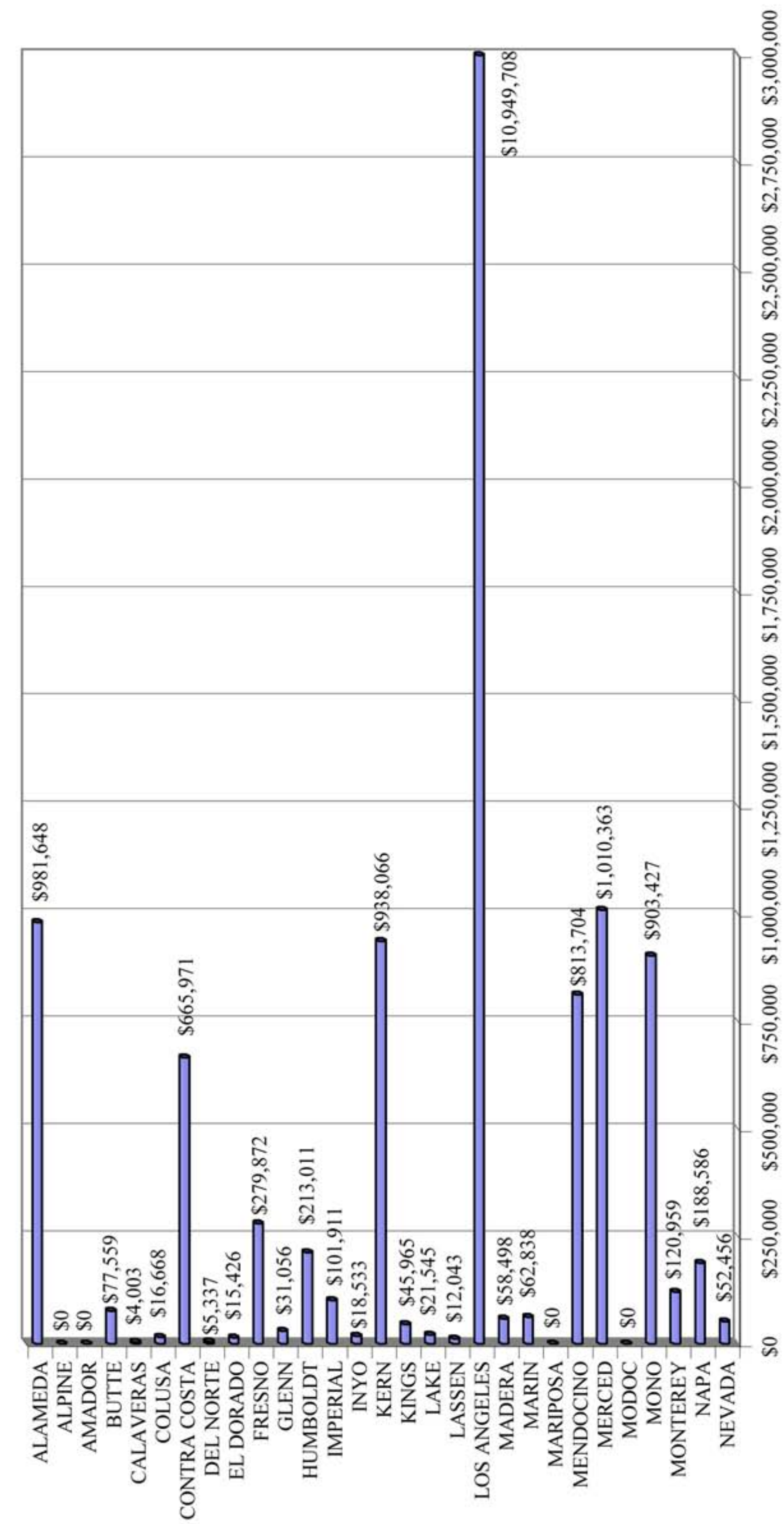
Number of Forfeiture Actions Initiated by County
January 1, 2005 - December 31, 2005



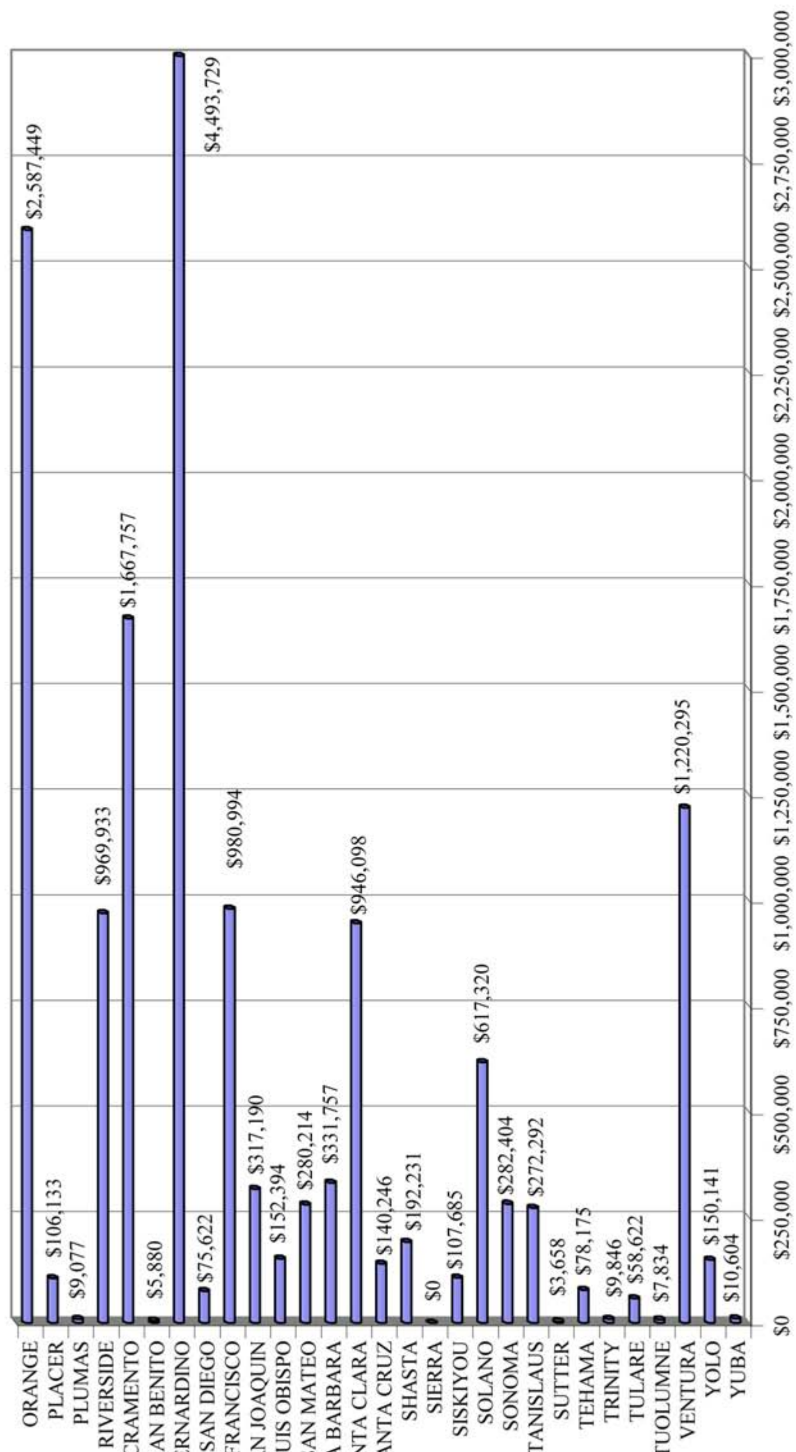
Number of Forfeiture Actions Initiated by County
January 1, 2005 - December 31, 2005



Estimated Value of Forfeiture Actions Initiated by County
January 1, 2005 - December 31, 2005



Estimated Value of Forfeiture Actions Initiated by County
January 1, 2005 - December 31, 2005



Forfeitures Completed

- **Table 2** provides summary information by county on asset forfeiture cases completed pursuant to California law during 2005. (This includes disbursement information on cases initiated from 1995 through 2005.)

- For purposes of this report, an asset forfeiture case is considered completed when forfeiture has been ordered or declared and all assets have been distributed.

- **Table 3** provides detailed information on each asset forfeiture case completed pursuant to California law during 2005. (This includes disbursement information on cases initiated from 1995 through 2005.)

- The "Amount Forfeited" listed in Table 3 for each case represents the net amount available for disbursement, after deduction of costs or returns to claimants and addition of accrued interest.

- Cases initiated from 1995 through 2005 in which only partial distribution has been made are not listed in Table 3 and are considered still pending.

- The following counties show zeroes in Table 2 and are not shown in Table 3 because, during this report period, they did not fully distribute assets from any forfeiture cases initiated from 1995 through 2005:

Alpine	Amador	Colusa
Del Norte	Mariposa	Modoc
Mono	Plumas	San Benito
Sierra		

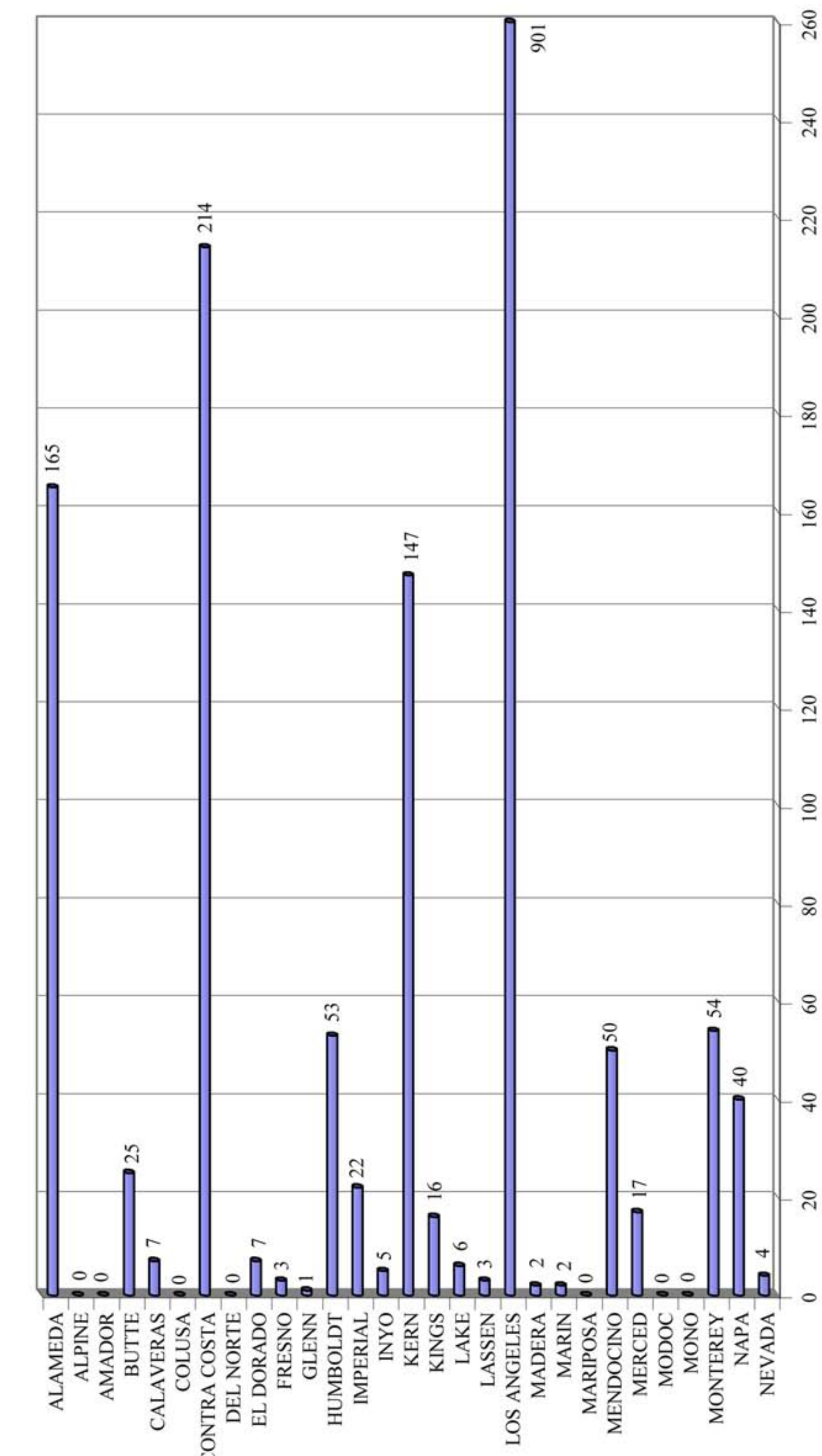
Table 2

County	Forfeitures Completed	Amount Disbursed
ALAMEDA	165	$405,406.23
ALPINE	0	$0.00
AMADOR	0	$0.00
BUTTE	25	$38,934.27
CALAVERAS	7	$15,534.55
COLUSA	0	$0.00
CONTRA COSTA	214	$690,907.60
DEL NORTE	0	$0.00
EL DORADO	7	$9,066.68
FRESNO	3	$16,631.80
GLENN	1	$1,265.00
HUMBOLDT	53	$196,399.15
IMPERIAL	22	$38,511.78
INYO	5	$8,886.13
KERN	147	$851,291.89
KINGS	16	$33,331.67
LAKE	6	$16,612.21
LASSEN	3	$11,870.80
LOS ANGELES	901	$7,122,873.48
MADERA	2	$49,760.35
MARIN	2	$16,591.26
MARIPOSA	0	$0.00
MENDOCINO	50	$312,434.54
MERCED	17	$272,095.32
MODOC	0	$0.00
MONO	0	$0.00
MONTEREY	54	$203,119.65
NAPA	40	$178,860.49
NEVADA	4	$17,100.15
ORANGE	222	$589,019.85
PLACER	18	$33,989.68
PLUMAS	0	$0.00
RIVERSIDE	188	$998,457.41
SACRAMENTO	306	$1,332,434.84
SAN BENITO	0	$0.00
SAN BERNARDINO	173	$2,300,536.70
SAN DIEGO	5	$86,139.57
SAN FRANCISCO	289	$806,200.32
SAN JOAQUIN	60	$129,980.26
SAN LUIS OBISPO	32	$97,569.83
SAN MATEO	67	$589,566.78

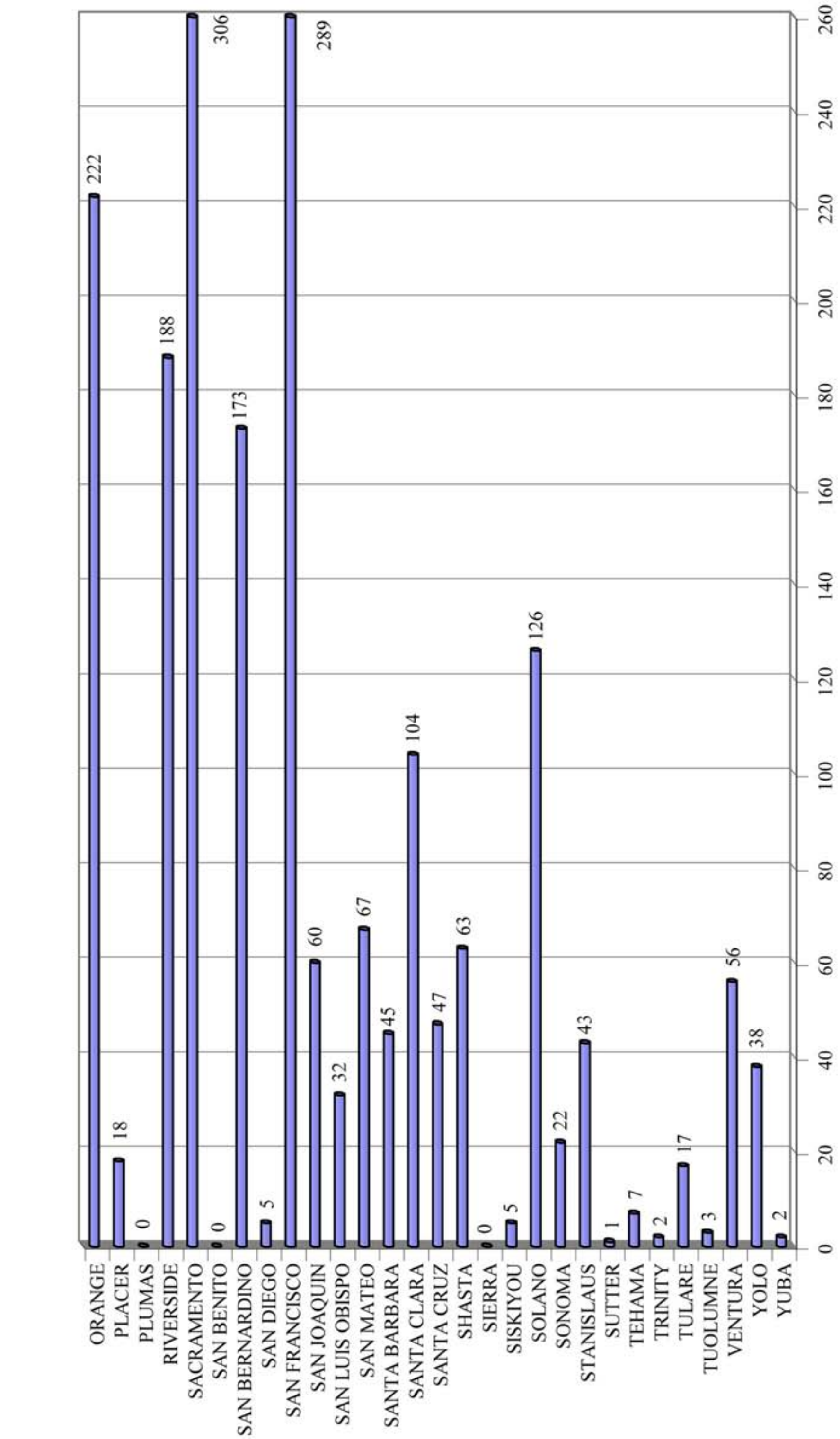
Table 2

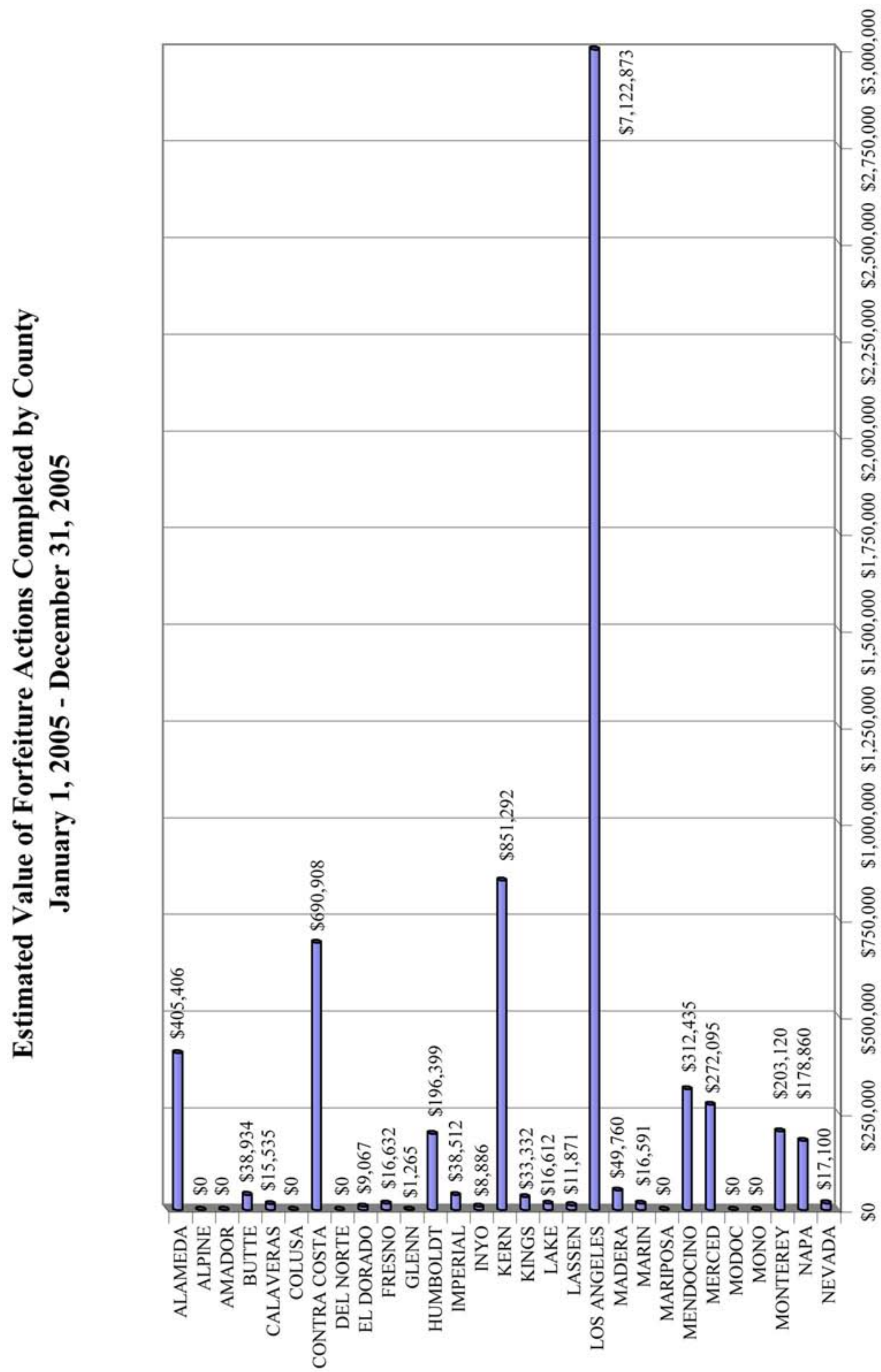
County	Forfeitures Completed	Amount Disbursed
SANTA BARBARA	45	$205,086.65
SANTA CLARA	104	$537,517.35
SANTA CRUZ	47	$163,320.21
SHASTA	63	$248,476.65
SIERRA	0	$0.00
SISKIYOU	5	$5,450.90
SOLANO	126	$196,906.39
SONOMA	22	$168,278.51
STANISLAUS	43	$205,460.68
SUTTER	1	$1,038.85
TEHAMA	7	$21,091.92
TRINITY	2	$6,754.19
TULARE	17	$85,779.76
TUOLUMNE	3	$8,134.39
VENTURA	56	$426,151.41
YOLO	38	$125,226.91
YUBA	2	$10,754.88
Total:	3,685	$19,886,809.89

Number of Forfeiture Actions Completed by County
January 1, 2005 - December 31, 2005



Number of Forfeiture Actions Completed by County
January 1, 2005 - December 31, 2005




Estimated Value of Forfeiture Actions Completed by County
January 1, 2005 - December 31, 2005
ALAMEDA $405,406
ALPINE $0
AMADOR $0
BUTTE $38,934
CALAVERAS $15,535
COLUSA $0
CONTRA COSTA $690,908
DEL NORTE $0
EL DORADO $9,067
FRESNO $16,632
GLENN $1,265
HUMBOLDT $196,399
IMPERIAL $38,512
INYO $8,886
KERN $851,292
KINGS $33,332
LAKE $16,612
LASSEN $11,871
LOS ANGELES $7,122,873
MADERA $49,760
MARIN $16,591
MARIPOSA $0
MENDOCINO $312,435
MERCED $272,095
MODOC $0
MONO $0
MONTEREY $203,120
NAPA $178,860
NEVADA $17,100
$0
$250,000
$500,000
$750,000
$1,000,000
$1,250,000
$1,500,000
$1,750,000
$2,000,000
$2,250,000
$2,500,000
$2,750,000
$3,000,000

Estimated Value of Forfeiture Actions Completed by County
January 1, 2005 - December 31, 2005

